



Appeal Decision

Inquiry held on 10 - 12 September 2024

Site visit made on 12 September 2024

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th November 2024

Appeal Ref: APP/D3830/W/24/3344121

68 & 70 Keymer Road, Hassocks, West Sussex BN6 8QP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Churchill Retirement Living Ltd. against Mid Sussex District Council.
 - The application Reference is DM/23/3114.
 - The development proposed is described as: Redevelopment for Retirement Living accommodation for older people comprising 41no. apartments including communal facilities, access, car parking, and landscaping.
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Decision

1. The appeal is allowed, and planning permission is granted for redevelopment for retirement living accommodation for older people comprising 41no. apartments including communal facilities, access, car parking, and landscaping at 68 & 70 Keymer Road, Hassocks BN6 8QP in accordance with the terms of the application Referenced: DM/23/3114, and dated 4 December 2023, subject to the conditions in the attached schedule.

Preliminary Matters

2. Whilst the appeal was made against the failure of the Council to give notice of its decision on the planning application within the prescribed time limit, in its appeal submissions the Council set out that, had it been in a position to determine the application, it would have refused planning permission. The putative reasons given related to the effect of the proposed development on the character and appearance of the area and the effect of the proposed development on the living conditions of the occupiers of nearby residential properties.
3. Initially, a third putative reason for refusal was identified relating to the appropriate provision proposed for affordable housing and other infrastructure required in connection with the development. Prior to the inquiry opening, the main parties reached agreement in respect of the viability of the proposal and its ability to make financial contributions to fund affordable housing and other infrastructure¹. It was confirmed at the inquiry that this was no longer a principal disputed matter between the parties, subject to a planning

¹ CD7.2 Viability Statement of Common Ground.

obligation being concluded. A Section 106 Agreement was submitted in draft form, discussed at the inquiry, and subsequently finalised.

4. In addition to the accompanied site visit undertaken with the parties on 12 September, on the day after the inquiry closed I undertook a further unaccompanied visit to the area around the appeal site to observe the facilities, services, and transport options available in the village and to observe the layout, built form, and architecture of a wider area than was covered during the formal site visit.

Main Issues

5. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect of the proposed development on the living conditions of the occupiers of neighbouring residential properties, with particular regard to privacy, noise and disturbance, and light pollution.

Reasons

6. The site is within the settlement boundary of Hassocks and is situated a short distance to the east of the village centre, which contains a range of shops and services. The principle of redeveloping the site is not in dispute between the parties. The Council does not object to the proposed nature of the development which would provide specialised housing with support for persons aged over 60. This would include the presence of a lodge manager on-site, communal facilities within the building, and integrated alarm systems within the flats to call for assistance in an emergency. Nor has the Council raised any objection to the proposal on highways grounds, the effect on trees and ecology, flood risk, air quality, land contamination, or heritage assets. Following the main parties reaching agreement on the provision of affordable housing and supporting infrastructure, the only matters in contention relate to the two main issues set out above.

Character and appearance

7. The appeal site comprises approximately 0.45ha of land and lies to the south of Keymer Road, Hassocks. The site contains two, relatively large, mid-twentieth century, detached dwelling houses standing in extensive gardens. Number 68 is a detached chalet bungalow in white painted brickwork under a red tiled roof. Number 70 is a two storey house in a brown multi coloured brick with red brick detailing under a tiled hipped roof. A number of large, well-established trees are present around the north, east, and south boundaries of the site. On the southern boundary of the site there is a small watercourse, beyond which are two storey residential properties on Dale Avenue whose rear gardens also bound the watercourse. The watercourse appears to enter a culvert adjacent to the south west corner of the appeal site.
8. To the east of the site, number 72 Keymer Road is a modern two storey detached house with a half hipped roof and flint walls with brick detailing. Beyond this house, at 74 Keymer Road, is a further modern two storey, brick built, house with a hipped roof. These dwellings appear to have formed part

of the development at The Minnells, a modern development which consists of a number of detached dwellings around a short cul-de-sac running south from Keymer Road. Numbers 9 to 11 the Minnells, which are three detached, two storey, houses back onto, and share a common boundary with, the appeal site.

9. To the west of the appeal site, Number 66a Keymer Road is a modern, two storey, dwelling house with a two story front projection containing garages at ground floor level. It is built in a red-brown multi coloured brick with a tiled, hipped and gabled roof. Beyond this, Fitzjohn Court is a later twentieth century development of flats, two storeys in height with an additional floor of accommodation within the roof space. It is constructed in red brick with tile hanging to the first floor and has a hipped roof which oversails the main walls.
10. To the west of Fitzjohn Court, Orion Parade is a mid-twentieth century mixed use development comprised of commercial premises at ground level with residential flats above. The building wraps around the corner of Keymer Road with Dale Avenue and has two storeys of flats on the Keymer Road frontage and a single storey of flats on the Dale Avenue frontage. The flats are accessed from a deck to the rear. It is served by a parking layby running parallel to Keymer Road to the front and a large car park to the rear which extends past the rear boundaries of Fitzjohn Court and part of 66A Keymer Road.
11. North of the appeal site, on the opposite side of Keymer Road, is Adastra Park, a large area of public open space containing playing pitches, children's play equipment, tennis courts and a bowling green. It also contains several pavilion buildings and a community centre that, in addition, houses the Parish Council Offices. Adastra Park is flanked to the west by a small modern housing development at Orchard Lane, consisting of a two storey block of flats with an additional floor of accommodation in the roof space and a small group of town houses around a parking and access court to its rear. To the east of the park, Villa Adastra is an impressive, two storey, probably early to mid-nineteenth century high status house, later extended and now used as a care home, standing behind a rendered, balustraded, boundary wall to Keymer Road.
12. The immediate vicinity of the appeal site is predominantly residential in character although it is located at the periphery of the village centre. Keymer Road is the principle vehicular route through the village running generally east to west from Ditchling and Keymer to Hurstpierpoint. Keymer Road falls slightly from east to west as it passes the appeal site and the appeal site also falls from north to south towards the watercourse, with the existing houses being set below the level of the highway.
13. On this section of Keymer Road, the buildings are set back from the highway and large established trees within the building curtilages and the park give the area an arboreous appearance. A short distance to the west, in the village centre, the character changes with commercial building frontages located at the back of the footway.
14. The historic Ordnance Survey maps included in the appellants evidence² illustrate that until the mid-twentieth century the section of Keymer Road

² CD9.4 Appellant Hassocks Figure Pack to Accompany Design Statement Part 2

where the appeal site is located was occupied by a small number of houses set in large gardens and areas of open land. In the latter part of the twentieth century some of these plots were redeveloped at a higher density. Although having a longer history, modern Hassocks largely developed as a settlement in the later nineteenth and twentieth centuries and this is reflected in its architecture and built form. Walling materials are predominantly brick, painted brick, or render. Tile hanging to the upper floors is common in the area. A mix of roof forms is present including hipped and half hipped roofs in addition to straight gables. Roofs are most commonly covered in clay or concrete tiles with a few examples in slate.

15. The proposed building would have a roughly T-shaped plan form with a long projecting rear wing running south down the site. The building would have three floors of accommodation with the uppermost floor being contained largely within the roof space. The north elevation facing Keymer Road would be staggered with a central set-back to break up the extent of the elevation. The eastern section of the front elevation would be set slightly forward of the western section. The façades to each side of the central set back would be treated differently. Although each would feature a tile hung gable feature, the eastern part would be finished in red brick with tile hanging to the upper level and a half hipped roof whilst the western section would be finished in painted brick work with a full hip to the roof. As a result of the staggered façade and differences in materials, the Keymer Road elevation would appear to the casual observer as two detached properties. The projecting rear wing would also have variations in ridge height, to accommodate the level change across the site, and in elevational treatment and materials to visually break up the extent of the elevations into smaller units.
16. The Council do not raise any objection to the elevational treatment of the proposed building frontage or the intended materials. Although it is clear from the map regression that the immediate environs of the appeal site have changed and evolved over time, the experience of the road frontage nonetheless remains one of relatively substantial houses standing in large gardens. The appeal proposal would maintain this appearance.
17. During the consideration of the planning application, the proposal was considered by the Mid Sussex Design Review Panel (the DRP). The DRP made a number of comments on the scheme leading it to conclude that it objected to the proposal. One of these comments was in relation to the size and massing of the projecting rear wing, which the DRP suggested should be shortened. Other comments relating to the internal configuration of the building, landscaping, and the treatment of the elevations resulted in amendments to the scheme. However, the comments in this respect resulted in only minor changes to the rear wing and did not reduce its overall footprint or projection.
18. Although the DRP expressed a concern regarding the degree of site coverage, which was echoed in the comments of the Council's Urban Design Officer, it did not articulate either what harm would result from the degree of site coverage proposed, or why it was considered unacceptable. Nor did it indicate what extent of reduction would potentially overcome that concern.
19. Policy DP26 of the Mid Sussex District Plan 2018 (the MSDP) and Policy 9 of the Hassocks Neighbourhood Plan 2020 (the NP) are general design policies

that, in essence, seek to ensure that new development is of a high standard of design. They do not set out any detailed criteria which new development is expected to meet. More detailed guidance is set out in the Mid Sussex Design Guide Supplementary Planning Document 2020 (the Design Guide).

20. Design Guide Principle DG39³, cited in the putative reason for refusal, addresses appropriately scaled buildings. However, beyond setting out that the scale of new buildings should relate to their context; their location within the hierarchy of routes and whether they act as a focal point, landmark or corner building; and the topography of the site, Principle DG39 confines itself primarily to the design of street frontages. It is silent in respect of plot coverage and the overall footprint of buildings. Nor does the Design Guide set out any quantitative standards for external amenity space.
21. The appellant has provided a breakdown of site coverage on a number of sites in the vicinity of the appeal site⁴. This is not challenged by the Council. Table 9.2 illustrates that, post development, the appeal scheme would result in 28% site coverage by buildings and 15% and 57% coverage by hard surfacing and landscaping respectively. This is clearly greater than the existing situation on the site and the coverage by built form is more extensive than the majority of the other sites analysed, including the Villa Adastra care home. However, the coverage ratios are almost identical to those of Fitzjohn Court, at 28% built form, 14% hard surface and 57% landscaping.
22. The Council has not raised objections to either the quantum of amenity open space or hard surfacing for car parking which would be provided. The Council's objections on visual grounds boil down to the extent of the projection of the rear wing and its visibility.
23. In order to be harmful to the overall character and appearance of an area, there must at least be some visibility of the development from the public domain. I saw when I visited the site that from Keymer Road, views of the rear projection would be restricted to glimpsed views over short sections of the road before they were occluded again by the frontage of the proposed building. Due to the changing level of Keymer Road as it passes the appeal site, from the west, a section of the rear projection would be visible above the roof of number 66A. However, when viewed from Keymer Road, the overall length of the rear projection would not be so readily apparent that it would change the area to such an extent that it could be considered harmful.
24. From The Minnells to the east, views of the rear projection would be largely screened by the houses on this street and the tree coverage on the eastern site boundary. To the south, from Dale Avenue, due to the height and proximity to each other of the houses and the presence of trees along the watercourse there would also be restricted visibility of the rear projection. The upper parts of the rear projection could be glimpsed through the slightly wider gap between numbers 27 and 29 Dale Avenue and where the two storey dwellings give way to bungalows at number 31. However, these views are not prominent, and the observer would need to be actively looking. A passive observer, either a pedestrian or a motorist, transiting the street would in my view be unlikely to notice a section of building in chance views between the more proximate frontage buildings. I accept that the screening effect of the

³ CD8.6 Mid-Sussex Design Guide SPD 2020, p104

⁴ CD9.6 Appellant Hassocks Figure Pack to Accompany Design Statement Part 4, Table 9.2 p91

trees would be reduced somewhat in winter. Nevertheless, I do not consider that this would significantly increase the visibility of the proposed building from Dale Avenue. I also observed that further east on Dale Avenue properties at The Minnells and on Keymer Road are visible in the gaps between dwellings and, consequently, such glimpsed views of parts of buildings set amongst tree cover are an existing feature of the area.

25. The rear projection would be most clearly visible from the car park to the rear of Orion Parade, where there are views into the interior of the perimeter block bounded by Keymer Road, Dale Avenue, and Willow Brook Way/Highlands Close. That said, there is a tall coniferous hedge and other well established tree cover within the curtilage of Fitzjohn Court which screens much of the view from across the car park. As a result, views across the wider interior of the perimeter block are only possible from a position near the eastern end of the car park in an area primarily used for vehicle circulation. I recognise that there will be some seasonal variation in the extent of this vegetative screening and that it is possible that in the future this may be removed or reduced in height. Nevertheless, the present situation is that this tree cover would restrict views of the projecting rear wing from all but a very small area of the car park.
26. In the car park area and its immediate surroundings, the built form of Fitzjohn Court is more noticeable, as there is less tree cover and vegetation to the Keymer Road frontage and the side elevation of the building is immediately adjacent to an access into the car park to the rear of Orion Parade. The built form of Orion Parade also dominates and defines the car park along with the row of lock up garages located on the car park's southern boundary. In this context, the open aspect at the eastern end is only a very small component in the views in this area.
27. Overall, from the evidence before me and from my observations, views of the projecting rear wing of the building from the public domain would be limited to partial views in the very near vicinity of the appeal site. The appeal site is not within a conservation area or within the setting of any listed building. From publicly accessible areas, neither the extent, nor the appearance of the site to the rear of the existing houses is obvious and can really only be discerned by an observer who is actively looking. The development would effect a change to the appearance of the area, but it would not be to such a degree that it would be harmful.
28. The extent of the rear projection would be more discernible from some of the private gardens and rear windows of properties bounding the appeal site. The projecting rear wing of the proposed development would reduce the spacious character of this part of the interior of the perimeter block. This would be most evident from the properties at 66A Keymer Road, 9 to 11 The Minnells, and to a lesser extent from houses to the south on Dale Avenue. However, this has to be taken within the context that the appeal site is not within a conservation area, there are no private rights to a view, and that the interior of the perimeter block has previously been encroached upon by the development of The Minnells. The southern part of the appeal site currently has the appearance of domestic garden areas. The appeal proposal would introduce a greater degree of built form but would also maintain large open areas around the building, albeit that some would be hardstanding rather than soft landscaping. The long rear wing would alter the appearance of the area

from this perspective. However, the magnitude and effect of this change, of itself, would not be so great as to justify withholding permission.

29. Drawing these strands together, it is not contended that the proposed Keymer Road frontage of the building is objectionable in terms of its size, massing, and appearance. The architectural approach adopted for the building would appear similar to the existing situation in terms of the street scene of Keymer Road. This would be further assisted by the retention of the trees on the site frontage. Although the proposed building would result in a greater level of site coverage than at present, this is comparable to the site coverage at Fitzjohn Court a very short distance from the appeal site. The design of the principal elevation of the new building would maintain the impression of relatively large houses standing in large plots. The long, projecting rear wing of the building would not be characteristic of the area. However, there are only a small number of opportunities for this to be seen from the public domain and its full extent is likely only to be seen by an engaged observer at the far eastern end of the Orion Parade car park. Consequently, the overall effect of the proposed new building on the character and appearance of the area would be broadly neutral.
30. I therefore conclude that the proposed development would not cause harm to the character and appearance of the area. It would comply with the relevant requirements of MSDP Policy DP26 and NP Policy 9 and the guidance in Principle DG39 of the Design Guide. Read together these expect new development to be of a high standard of design; address the character and scale of the surrounding buildings, positively respond to the local vernacular character and protect valued townscapes and the separate identity and character of towns and villages, incorporate the use of local materials, and incorporate parking that does not dominate the street environment.

Living conditions of the neighbouring occupiers

31. The appeal site is located in a predominantly residential area. Number 66A Keymer Road lies to the west of the appeal site and number 72 Keymer Road to the east. Numbers 9 to 11 The Minnells back onto the eastern boundary of the appeal site to the south of 72 Keymer Road. To the south of the appeal site two storey properties on Dale Avenue have rear gardens which run north.
32. In response to concerns raised during the consideration of the application by the Council, the proposal was amended to incorporate obscured glazing to the windows in the gable ends of the building facing onto the boundaries with numbers 66A and number 72 Keymer Road respectively and to the windows on the southern elevation of the projecting rear wing.
33. By the time of the inquiry, the Council's concerns in respect of the effect on neighbouring occupiers were restricted to the effect of the proposal on numbers 66A and 72 Keymer Road and number 9 and 10 The Minnells. A number of residents on Dale Avenue maintained their objections to the proposal that were made in response to the Council's notification and two residents of Dale Avenue spoke at the inquiry. During the site visit, I viewed the site from number 9 The Minnells, both within the garden and from the first floor of the house, and I also viewed the site from the garden areas of numbers 21, 23, and 27 Dale Avenue.

66A Keymer Road

34. The gable of this property is located approximately 1 metre from the common boundary with the appeal site. On the front elevation of the property there is a projecting two storey element containing a garage at ground floor with rooms above. The main entrance to the house is located on the side of this projecting element, facing the appeal site. There are four windows on the main front elevation of the house and two on the side elevation of the projecting element. To the rear of the house there is a conservatory. There is also a large garden to the rear of the property. There is an existing wall on the boundary between the appeal site and number 66A which it is proposed to retain and supplement with additional planting and trees. The lower part of the gardens is presently separated by a timber fence approximately 1 metre in height which it is proposed to replace with a new 1.8 metre high close boarded fence and additional planting⁵.
35. The vehicular access and car park for the proposed development would be located on the western side of the site close to the common boundary with number 66A. The access road and car park would extend through much of the depth of the site alongside the garden of number 66A. The proposed bin and mobility scooter store would also be located on the common boundary between the plots. The proposal would, consequently, increase the level of vehicle movements adjacent to number 66A and its garden areas.
36. The Transport Statement⁶ indicates that the development would generate approximately 71 vehicles movements per day. This would amount to an additional approximately 60 vehicle movements per day at the site compared to the approximately 11 movements generated by the existing two dwellings, and 5.6 for a single dwelling⁷. Whilst this is acceptable in highway safety terms, it does represent a significant increase over the existing situation. In addition, the proposed configuration of the site would bring those vehicle movements further into the site and closer to the rear garden of the neighbouring property than the present situation where vehicle movements are restricted to the area to the front of number 68.
37. There is no technical evidence produced by either party in respect of existing noise levels or predictions of future noise levels. Engine noise, vehicle doors opening and closing, car audio systems, and people talking within the car parking area are all potential noise sources arising from the development.
38. I observed when I visited the site that the ambient noise levels in the surrounding area were not high and that the garden areas to the rear of the site were quiet and tranquil. I accept that the levels of car ownership and use amongst residents of the development will be lower than that of other types of housing. I have also noted that a survey carried out at a similar development by the appellant in Haywards Heath showed no vehicle movements in or out of the development between 19:00 and 07:00⁸. However, I am also mindful that this survey was carried out over a single, weekday, night and, as such, is only a snapshot of that particular day. Nonetheless, it does indicate that vehicle movements in the

⁵ CD2.14 Boundary Treatment Plan (20090HK-PL015 Rev P3)

⁶ CD1.18 Transport Statement Tables 4 and 5, P14

⁷ *Ibid* Table 3, P13

⁸ CD9.9 Appellant Mathew Shellum Appendix 1 – Parking Survey of Petlands Lodge

evening/nighttime, when background noise levels are lower, are likely to be few in number. That said, weekend day time vehicle movements are also relevant, as there would be a reasonable expectation of lower noise levels than during the working week, but there would also be an increased likelihood of friends and family visiting residents of the proposed development resulting in an increase of activity at the site. Other than the projections in the Transport Statement, there is no further evidence before me in respect of daytime vehicle movements for either week days or weekends.

39. The existing boundary wall to be retained is approximately 1.5 metres high. Whilst the mass and density of this will provide a degree of sound attenuation, the restricted height would allow for noise spill over the top of the wall, reducing its effectiveness as a noise barrier. Whilst the proposal does allow for 2 metres of planting in front of the wall, this depth of planting would have little or no value in terms of noise attenuation. The proposed 1.8 metre high close boarded fencing at the southern end of the site would similarly only provide a small degree of noise attenuation.
40. Whilst the Council expressed concern about noise from the mobility scooter store, it is unlikely that the day to day use of this store would generate a significant level of noise and disturbance given that the majority of these are electric powered. The specification for the store⁹ includes acoustic insulation to the rear wall adjacent to the boundary with 66A that would reduce the transmission of noise generated within the structure.
41. I have noted that 66A is also used as an osteopath practice, but it is, nonetheless, also a residence and the partial commercial use may cease in the longer term.
42. In terms of glare from vehicle headlights, because these are generally at a lower level and are as a default aligned to focus light on the carriageway or road surface, the proposed means of enclosure and additional screening would provide a barrier to minimise glare from vehicle movements within the site.
43. Although there were no details of external lighting to the building and car park included in the application submissions, the appellant's evidence included an external lighting strategy¹⁰. This illustrates a small number of lighting bollards within the car park and grounds and building mounted lights at the entrances to the building and on the western gable adjacent to the internal access road. Due to the proximity of some of these lights, particularly those mounted on the western gable, and the absence of precise detail in respect of their specification, these would have the potential to affect the windows to the front of number 66A through increased levels of illumination.
44. However, I have noted the appellants proposal to keep lighting to the minimum required for security and working purposes and to deploy timers, proximity switches, and/or physical measures to minimise light spill from the fixtures. Consequently, I am satisfied that an appropriately worded condition could be used to achieve a lighting scheme that minimises this effect on number 66A.
45. Drawing these strands together, whilst I do not find that the proposal would be harmful to the living conditions of the occupiers of number 66A in terms of

⁹ CD9.23 Appellant Ben Smith Appendix 8.8 – Proposed Refuse & Buggy Store – 20090HK_PL025_P1

¹⁰ CD9.6 Appellant Hassocks Figure Pack to Accompany Design Statement Part 4, Figure 8.9 P.82

light pollution, the resulting substantial increase in vehicle movements, concentrated to the rear of the dwelling which is currently not exposed to noise from Keymer Road, would result in harm. I will return to this matter in my overall finding on the issue and in the planning balance.

72 Keymer Road

46. The front elevation of the proposed new building would be on approximately the same plane as the rear elevation of this house. Because of the change in ground levels, number 72 Keymer Road sits at a higher level than the appeal site. The gable elevation of number 72 contains a window at ground floor level. From ground level within the appeal site, this window is largely screened by an existing fence and hedge which are to be retained as part of the proposal.
47. Whilst there are windows in the gable elevation of the front section of the proposed building which faces the rear garden of number 72, these are noted on the submitted drawings as being obscure glazed. There are clear glazed windows to the principal elevation of the proposed building but, due to its position relative to number 72, these would not have line of sight to the window in the side elevation of the existing house. Although there would be opportunities for casual overlooking of the front garden of number 72, this fronts Keymer Road and is enclosed by a low picket fence, rendering it open to public view.
48. The gable of the proposed new building would be situated approximately 10 metres from the boundary shared with the rear garden of number 72. In addition to the existing hedge and fence on the boundary there are also a number of deciduous trees that provide an element of screening or filtering, albeit this would be to a lesser degree when the trees are not in leaf. As a result of the building's height and proximity, people within the garden area of number 72 would undoubtedly be aware of its presence and the windows in the gable end. Nevertheless, that same proximity would make the obscurely glazed nature of these windows readily apparent.
49. It is not suggested that the proposal would result in an overbearing appearance, increased sense of enclosure, or any loss of light to or overshadowing of the house and garden at number 72. Therefore, I find the effect of the proposal on this property to be a neutral one.

9 to 11 The Minnells

50. Because of the level of existing screening on the common boundary to the rear of number 11 The Minnells, the Council did not raise concerns in respect of this property. However, this level of screening falls away towards the southern end of the boundary which is much more open to the rear of numbers 9 and 10. The end of the projecting rear wing of the proposed building would be level with the south facing gable of number 9 The Minnells.
51. The Council does not have a policy or guidance which specifies separation distances between new and existing dwellings. The inquiry was advised that the Council considers separation distances on a case by case basis. The rear wing of the proposed building would be between 18 and 19 metres from the

common boundary and 32 and 33 metres respectively from the rear elevations of numbers 10 and 9 The Minnells¹¹.

52. Although this is in excess of the 21 metres separation distance that is commonly applied as a back to back separation distance, the appeal proposal would, nevertheless, introduce a building with windows on three levels to the rear of these properties. Whilst it is proposed to install obscure glazing to the windows on the south elevation of the rear wing, those on the east elevation facing towards The Minnells would be clear glazed as they are the main windows to rooms. Numbers 9 and 10 occupy a slightly elevated position relative to the proposed building which reduces the screening effect of the fence and planting on the boundary which is set at a lower level.
53. It is not uncommon in built up areas for there to be a degree of mutual overlooking of the garden areas at the rear of dwellings from the upper floor windows of neighbouring properties. This occurs to an extent between numbers 9 and 10 The Minnells at present, in addition to also occurring between 10 and 11 The Minnells, and 11 The Minnells and 72 Keymer Road. The properties at number 9 and 10 the Minnells also overlook the present garden area of number 70 Keymer Road.
54. The proposed development, as a result of its height and length would introduce significantly more windows facing towards the rear of numbers 9 and 10. Some of the proposed flats at first floor level are provided with narrow "Juliet" balconies which, whilst not providing external space for sitting out, would result in a number of much larger glazed openings and also encourages occupiers to stand or sit closer to the window opening.
55. The Council do not argue that the proposal would result in a loss of privacy resulting from direct visibility through the windows into the interior of the existing houses. It is, however, not an unreasonable point that the introduction of a large number of additional windows, even if these are beyond the commonly accepted separation distance for planning purposes, where there were none before could increase the sense of overlooking. People's sensitivity to this will vary. As such, the development would result in a degree of harm and make the adjacent dwellings a less pleasant place to live.
56. The appellant suggests that this effect could be mitigated by the introduction of heavy or extra heavy standard tree planting and other tall plants to provide instant screening between the appeal site and the neighbouring property, which could be subject to a condition. This could reduce the effect, but no specific details are provided in the submissions and in any event even tall planting would take time to become established. Consequently, the efficacy of such screening is not at all clear.
57. I therefore find that the development would be harmful to the occupiers of numbers 9 and 10 The Minnells. I will also return to this matter in my overall finding on the issue and in the planning balance.

Dale Avenue

58. Concerns were raised on a number of points by residents of Dale Avenue. In particular, these related to an overbearing effect from the new building,

¹¹ CD2.9 Site Distances & Levels Plan (20090HK-PL010 Rev P3)

overlooking and the effects of car headlights and activities within the building and gardens.

59. I saw when I visited the site that the properties at Dale Avenue have long rear gardens of approximately 20 metres or so in length. The proposed new building would terminate approximately 9 to 10 metres from the southern boundary of the appeal site. The site sections drawings¹² illustrate that the end elevation of the projecting rear wing would sit at approximately the same ground level as the houses on Dale Avenue. Although the proposed building would be slightly greater in height than the Dale Avenue houses, it would nonetheless be a two storey structure. There is also significant tree cover and vegetation along the route of the watercourse that separates the appeal site from the Dale Avenue garden areas which would add screening and filtering of the views. As such, I do not consider that the proposed building would have an overbearing appearance.
60. It is proposed that the windows in the south elevation of the projecting rear wing, facing Dale Avenue, would be obscure glazed. This together with the screening/filtering effect of the tree planning would prevent any overlooking.
61. The properties on Dale Avenue are in excess of 30 metres from the furthest south point of the proposed car parking area. Even if there was no screening between, in the form of fences or planting, this is at the extreme range of what might be realistically illuminated by dipped car headlights. The use of the car park during the hours of darkness is, therefore, unlikely to have any detrimental effect in this regard. This distance would also reduce perceived noise levels from noise sources within the car park at the properties in Dale Avenue.
62. With regard to other noise, there is no evidence which would suggest that the normal domestic use of the grounds around the proposed building would generate sufficient noise or be of a sufficient duration such that it would cause a nuisance or be harmful to the living conditions of the residents on Dale Avenue.
63. Having regard to the above, the effect of the proposal on the occupiers of Dale Avenue would be a neutral one.

Conclusions on the effect on the living conditions of neighbouring occupiers

64. Policy DP26 of the MSDP and NP Policy 9 both contain an essentially similar clause that new development is expected to not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution.
65. The proposal would have an adverse effect on the properties at 66A Keymer Road and at 9 and 10 The Minnells. In the case of the latter, whilst the proposal would undoubtedly result in an increased sense of overlooking which would be harmful in so far as it would reduce the enjoyment of the property to a degree, the use of the term significant harm in the policies indicates that the harm should be considerable, and sets a relatively high bar.

¹² CD2.13 Site Sections Sheet 4 (20090HK-PL014 Rev P3)

66. In the absence of any policy criterion, from the information I have been provided with and from what I saw when I visited the site, the degree of separation between the existing houses at The Minnells and the new building is such that whilst there would be a sense, or perception, of overlooking, it is nonetheless not suggested that privacy within the neighbouring houses would be compromised. Within built up areas complete privacy in rear gardens can rarely be achieved. Therefore, whilst there would be some harm caused to these properties, this harm would not be so great as to reach the high bar of significant harm set by the Policies.
67. With regard to 66A Keymer Road, the evidence indicates that this property would experience a very considerable increase in noise and disturbance from vehicle movements and other noise sources, in an area that is to the rear of this house and currently not exposed to such noise. The submitted evidence does not demonstrate that this noise would be effectively attenuated. Noise from vehicle movements is likely to be much less in the evening and night time. Nevertheless, there is nothing which would indicate that number 66A is not occupied during the daytime or at weekends and I observed when I visited the site that the existing daytime ambient noise levels in the area are low. This harm is likely to endure for the lifetime of the development. Within this context, the level of harm which would result to this property would surpass the high bar of significant harm.
68. I therefore conclude that the proposed development would cause harm to the living conditions of the occupiers of number 66A Keymer Road. It would not comply with the relevant requirements of MSDP Policy DP26 and NP Policy 9.

Other Matters

69. It is proposed that surface water drainage from the development would be discharged to the watercourse on the southern boundary of the site. At present surface water from numbers 68 and 70 Keymer Road is discharged to this watercourse. Interested parties have raised the issue of the risk of increased flooding from surface water and the increase in hard surfacing within the site. Properties on Dale Avenue currently experience flooding from the watercourse. This is most likely the result of excess water entering the watercourse upstream of the appeal site surpassing the capacity of the watercourse, particularly where it enters the culvert, as opposed to purely runoff from the appeal site.
70. The submitted Flood Risk Assessment¹³ includes a surface water drainage strategy which proposes routing roof runoff and drainage for the access road and car park to an attenuation tank located beneath the car park. A flow control device would be incorporated into the outfall which would restrict discharge to the watercourse to the equivalent greenfield runoff rate. These measures of on-site detention and subsequent controlled release would represent an improvement over the current calculated runoff rate from the site. As such the development would not increase the risk of flooding to properties on Dale Avenue. I also note that the Council's Drainage Engineer has not objected to this approach subject to the precise detail of the drainage arrangements being approved.

¹³ CD2.18 Revised Flood Risk Assessment (March 2024)

71. The Council have not raised objections to any other aspects of the proposal and from what I have read, what I heard at the Inquiry, and from what I saw when I visited the site and surrounding area, I have no reason to find otherwise.
72. I have had regard to the points raised in the representations received by the Council as a result of its notification of the planning application. Some of these points are addressed above. I have noted the remaining points that have been made, but these do not lead me to a different overall conclusion.

Planning Obligation and infrastructure contributions

73. Although initially forming the third of the Council's putative reasons for refusal, before the Inquiry opened the appellant and the Council reached agreement on the viability of the proposal and its ability to make contributions towards the provision of affordable housing and other related infrastructure. This is no longer a principal disputed matter.
74. A final draft of a planning obligation under S.106 of the Town and Country Planning Act 1990 (as amended) was provided prior to the Inquiry and this was finalised shortly after the Inquiry closed. Planning obligations must only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
75. In addition to a contribution towards affordable housing provision the planning obligation includes contributions towards infrastructure that is the responsibility of both Mid Sussex District Council (heretofore and hereinafter the Council) and West Sussex County Council (WSCC). Both the Council and WSCC have submitted Infrastructure Statements¹⁴ in support of the contributions sought. The Council has adopted supplementary planning guidance in respect of affordable housing and infrastructure contributions¹⁵.
76. The planning obligation makes provision for financial contributions to the Council in respect of formal sports provision, community buildings, local community infrastructure, and provision of affordable housing. It also makes provision for financial contributions to WSCC in respect of library provision and the production of a Travel Plan Statement.
77. The viability of the scheme and its ability to support contributions towards infrastructure are a matter of common ground between the parties.¹⁶
78. With regard to the affordable housing contribution, MSDP Policy DP31 requires that all proposed residential developments of 11 dwellings or more provide a minimum of 30% on site affordable housing. The Affordable Housing Supplementary Planning Document 2018 (AHSPD) allows for commuted financial contributions towards affordable housing in exceptional circumstances. The Council is of the opinion that because the proposed development is not general open market housing, it would not be appropriate to seek the delivery of on-site affordable housing. Consequently, a commuted sum was sought in this case. The AHSPD also makes allowance for a reduction in the level of affordable housing provision where it would not be

¹⁴ CD7.6 LPA Infrastructure Statement and CD7.7 WSCC Infrastructure Statement

¹⁵ CD8.5 Affordable Housing SPD (2018) and CD8.7 Development Infrastructure and Contributions SPD (2018)

¹⁶ CD7.2 Viability Statement of Common Ground

economically viable for the scheme to provide for 30%. Due to viability reasons the affordable housing contribution included in the planning obligation is less than the amount which would normally be sought, although there is a review mechanism that allows for a further payment in future if it is viable to do so. I am satisfied that the contribution is required in order to make the development comply with the requirements of Policy DP31, that it is directly related to the development and is reasonable in scale given the viability position of the development.

79. The contribution towards formal sport is sought in relation to drainage improvements at Adastra Park opposite the appeal site. When I visited the site, I saw that, in addition to being a large attractive area of open space in the near vicinity of the appeal site, the park includes a cricket square and bowling green in addition to football pitches, a children's play area and hard surfaced tennis courts. At least some of these facilities would be capable of use by the occupiers of the development. MSDP Policy 24 seeks improvements to leisure and cultural facilities. This contribution is therefore necessary in relation to the development.
80. A contribution is sought in respect of improvements to Adastra Hall which is located within Adastra Park. Adastra Hall is a well-used community centre offering a range of activities and facilities that are likely to be used by residents of the proposed development. MDSP Policy DP25 supports the improvement of community facilities to contribute to creating and supporting sustainable communities and this obligation is therefore necessary.
81. The necessity of the contribution towards improving the car park at Clayton Green Recreation Ground is less clear. This facility is located some distance outside the village and although it may only be a short journey by car, it offers similar facilities to those available at the much closer Adastra Park. It does not offer anything unique or additional that would be more attractive to residents of the proposed development than the closer facility. Whilst the Council's Infrastructure Statement¹⁷ also refers to allotments, this alternative is not written into the finalised planning obligation. Consequently, I find that this obligation is neither necessary, nor directly related to, the development.
82. WSCC seek contributions towards improving the library facilities in Hassocks. The library is located a short distance from the appeal site, approximately a five to ten minute walk. The nature of the proposed development is such that the residents are likely to use the library facilities placing additional demand on these. I am satisfied that this obligation is necessary and directly related to the development.
83. The Total Access Demand contribution is sought to improve public transport/pedestrian/cycle facilities in order to encourage less car dependency and the use of sustainable transport modes as part of the Active Travel Improvements in Hassocks project. This is in line with the policies in The National Planning Policy Framework (the Framework) and the expectation of MSDP Policy DP21 which also seeks to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking. The future residents of the development are more likely to be dependent on public

¹⁷ CD7.6 LPA Infrastructure Statement

transport and walking routes. This obligation is therefore necessary and directly related to the proposed development.

84. All of the financial contributions contained in the planning obligation have been reduced from what would normally be sought due to the viability position of the development and for this reason I am satisfied that they are fairly and reasonably related in scale and kind to the development. I am therefore satisfied that, with the exception of the obligation in respect of the car park at Clayton Green Recreation Ground, the contributions set out in the obligation meet the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and Paragraph 57 of the Framework.

Planning balance

85. Section 38(6) of the Planning and Compulsory Purchase Act requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
86. It is common ground between the parties that, with the exception of MSDP Policy DP26 and NP Policy 9 cited in the first and second of the putative reasons for refusal, the proposal otherwise complies with all of the other relevant policies in the development plan. There is nothing in the evidence that I have seen or heard that would cause me to disagree with this.
87. I have found that, due to the harm which would result to number 66A Keymer Road, the proposal would not comply with the provision contained in both MSDP Policy DP26 and NP Policy 9 which expects new development to not cause significant harm to the amenities of existing nearby residents. I have also found that the proposal would not cause harm to the character and appearance of the area and would comply with other provisions of these same policies which expect development to be of a high standard of design; address the character and scale of the surrounding buildings, positively respond to the local vernacular character and protect valued townscapes and the separate identity and character of towns and villages, incorporate the use of local materials and incorporate parking that does not dominate the street environment.
88. Whilst the proposal would only significantly affect one property, the harm would be on-going. That the proposal would not wholly comply with the development plan weighs against it.
89. A number of benefits of the scheme are identified by the appellant. It is not in dispute that the Council has 5.04 year supply of deliverable housing land. The five year housing supply is, however, not a maximum. The Framework seeks to significantly increase the supply of housing. The appeal proposal would contribute to meeting the requirement to increase the supply of housing.
90. Added to this, the Planning Practice Guidance recognises that the need to provide housing for older people is critical. The Council recognises that there is a shortfall within the district of some 801 open market units for housing with support¹⁸. Policy DHP4 of the Emerging Mid Sussex District Plan¹⁹ identifies a number of site allocations which are to include older persons

¹⁸ CD7.4 LPA Statement of Case

¹⁹ CD5.1 Mid Sussex District Plan Review 2021-2039

housing and the Council argues that the allocations in the emerging local plan would meet this identified need. I am advised that the Emerging Local Plan has been submitted for examination, and consequently is capable of being afforded some weight.

91. Emerging Policy DPH4 differentiates between housing with support (retirement living or sheltered housing) and housing with care (extra care). In addition to the 801 units of open market housing with support, it identifies an estimated need for 857 units of extra care housing. The site allocation policies cited in Emerging Policy DPH4, however, only specifically refer to extra care housing. Although there is a footnote to these policies to the effect that extra care housing is housing that is suitable for older persons and those with specialist accommodation or care needs, it is clear from the differentiation in terminology that this is a separate category of housing from the housing with support which would be provided by the appeal scheme. Other site allocations in the Emerging Local Plan seek the provision of older persons housing in the form of care homes/nursing homes. Notwithstanding the appellant's position that these greenfield allocations on the edge of settlements are less suitable for housing with support, it is not at all clear from the information available at the Inquiry that the allocations in the Emerging Local Plan would meet the need for 801 units of open market retirement living or sheltered housing dwellings. It is not in dispute that the appeal proposal would be deliverable in the short term. 41 units would represent 5% of the identified need for housing with support. Although a relatively small proportion, given that it is unclear where else the identified need might be met and the critical need for older persons housing identified in the Planning Practice Guidance, this factor alone weighs substantially in favour of the development.
92. The appeal proposal would make a modest financial contribution towards the provision of affordable housing in the district. As a result of viability factors, the off-site contribution agreed falls some way short of the level of affordable housing which is expected by MSDP Policy DP31. Nevertheless, this is a factor that weighs in favour of the proposal.
93. The appeal site is also in a position which is well located in relation to shops, services, and other facilities within the village centre which is just a short distance to the west. I saw when I visited the site that there is a good range of these within the village centre that would meet most day to day needs of the future residents. I also saw that there are bus stops very close to the site with bus services to the larger settlements of Burgess Hill and Haywards Heath. In addition, Hassocks railway station, which is on the London to Brighton rail line, is an approximately 10 minute walk from the appeal site.
94. The appeal proposal would result in the re-use of previously developed land which the Council accepts is underutilised. The proposal would also give rise to some environmental benefits through the potential for biodiversity improvements and energy efficiency measures leading to reduced carbon emissions. There would additionally be some economic benefits resulting from sustaining construction jobs during the build period and from additional spending in the local economy in the operational phase. In addition, the proposal would also result in the release of potentially under occupied housing stock back into the housing market. These factors also weigh in the proposal's favour.

95. Taken in the round, the appeal proposal would provide a type of housing for which there is an identified critical need, which could be delivered in the short term on a previously developed site that is well located in terms of access to shops, services, and public transport. These all weigh very heavily in favour of the scheme. In addition to this are the more modest consequential economic and environmental benefits.
96. Weighed against these, the proposal would cause significant harm to only one neighbouring property and as such would not comply with one element of one policy in the MSDP and the NP. The proposal would comply with the development plan in all other respects.
97. Although there is conflict with a requirement of the development plan, there are considerably greater benefits that would arise from the scheme. In particular, the provision of dedicated housing for older persons. Within the above context, the degree of conflict with the development plan is not so great that it could realistically be concluded that the proposal would conflict with the development plan when taken as a whole. Cumulatively, these factors amount to material considerations which would indicate that planning permission should be granted, despite the conflict with MSDP Policy DP26 and NP Policy 9.

Conditions

98. I have had regard to the list of conditions which has been suggested by the parties. A number of these conditions are pre-commencement conditions, and the appellant has provided written agreement to the imposition of these. In the interests of clarity, I have revised the wording of some of the conditions suggested to me.
99. Because the proposal was amended during the course of the consideration of the planning application, in order to provide certainty in respect of what has been granted planning permission, I have imposed a condition specifying the approved drawings.
100. A condition requiring the submission of a construction management plan is suggested. This is because of the scale and likely duration of the development, and the location of the development site in proximity to residential properties and on a busy main road. This condition is necessary to regulate the construction related activities in order to minimise the effects of the works on the occupiers of nearby residential properties and to ensure that the works do not obstruct, or compromise, the safe operation of the highway. As these controls would be required for the whole duration of the construction period, it is necessary that this condition be pre-commencement.
101. Although some details of the proposed site drainage have been submitted with the application, the precise design of the scheme has not been finalised. In order to ensure that the site is adequately drained and in order to prevent increased risk of flooding beyond the site boundaries, it is necessary to impose a condition requiring the submission of details that fully specify the proposed drainage system and demonstrate that it would operate as envisaged by the submitted Flood Risk Assessment. As the installation of the drainage system would be an early part of the construction works, it is therefore necessary that this be a pre-commencement condition.

102. The submitted Preliminary Ecological Appraisal and the Bat Roost Assessment and Bat Survey Report identified that the site is overflowed by foraging and commuting bats; has potential to support badgers, some reptile species, fox, hedgehogs, and garden birds; and contains some habitat types of local importance. Due to this ecological interest, it is necessary to regulate the construction works at the site through a construction environmental management plan in order to minimise and mitigate the potential effects on these. As these controls would be required for the whole duration of the construction period it is necessary that this condition be pre-commencement.
103. The Archaeological Desk Based Assessment provided with the application identified that, although the site lies just outside of an Archaeological Notification Area, there is some potential for archaeological remains to be present within the site. In order to determine whether the site includes heritage assets with archaeological interest and, if so, ensure that they are properly recorded, field evaluation through trial trenching is required. Due to the nature of the required evaluation work which must be carried out before the site is otherwise disturbed, this, of necessity, must be a pre-commencement condition.
104. There are a number of well-established and mature trees on the site which contribute to the character of the area and are proposed to be retained. This necessitates a condition to ensure that damage to these trees is prevented during the construction period. The tree protection is required for the whole duration of the construction period, and this necessitates the condition being pre-commencement.
105. Due to the proximity of the appeal site to other residential properties and the scale and likely duration of the construction works, it is necessary to impose a condition restricting the times that works can be carried out at the site.
106. Although general details of the materials to be used for the external finish of the building have been submitted, an actual specification has not been provided. In the interests of maintaining the visual appearance of the area through the use of appropriate materials, it is necessary to include a condition requiring that the precise details of the materials to be used be submitted for approval.
107. In order to ensure that there is safe access to the site for vehicles and pedestrians and to maintain the safe operation of the highway in the vicinity of the appeal site it is necessary to impose conditions requiring before the building is occupied, that the new vehicular access and car park be provided, suitable visibility splays are provided to maintain sight lines for vehicles and pedestrians at the access point, and the two existing vehicular accesses to Keymer Road are closed off and the footway reinstated.
108. Although a detail of the bin and mobility scooter store was included as an appendix to the appellant's design witnesses evidence²⁰, these details were not included with the application drawings. In addition, whilst the residents of the proposed new development are less likely to use bicycles as a means of transport, staff and visitors to the site may choose to. To ensure that proper parking and storage for cycles and mobility scooters is provided as part of the development, it is necessary to include a condition requiring the details of

²⁰ CD9.23 Appellant Ben Smith Appendix 8.8 – Proposed Refuse & Buggy Store – 20090HK_PL025_P1

these facilities to be submitted for approval and the facilities themselves provided before the building is occupied.

109. The planning application was accompanied by a broad landscape strategy, but this did not contain detailed planting plans or details of the proposed hard landscape areas. To ensure the visual appearance of the area is maintained and that appropriate planting, and where necessary screening, is provided, a condition is needed requiring detailed landscaping plans to be submitted for approval and thereafter implemented.
110. The site has some identified ecological interest, and it is a requirement of the Council's policy that ecological and biodiversity enhancement is included in the development together with mitigation works and appropriate lighting to minimise the effect of lighting on commuting and foraging bats identified by the bat survey. It is therefore necessary to include conditions which require the ecological mitigation identified in the planning application to be implemented, that a Biodiversity Enhancement Strategy be submitted and implemented, and that a lighting scheme to minimise the impact of the development on bats be submitted for approval and subsequently implemented.
111. Although not suggested by the parties, in order to ensure that the proposed external lighting to the building and grounds does not result in excessive light spill or glare being experienced by the occupiers of adjoining properties, it is necessary to attach a condition requiring a scheme for the design, location, and operation of the external lighting to be submitted for approval. The lighting strategy included in the appellant's evidence²¹ suggests additional design and control measures would be necessary to prevent light nuisance and, consequently, such a condition would not be unexpected or unanticipated by the appellant. To avoid duplication, these requirements can be incorporated into the condition requiring the submission of a scheme of lighting design to minimise the effect of proposed external lighting on foraging and commuting bats to result in a comprehensive overall lighting scheme.
112. The appeal scheme was promoted as age restricted housing for persons over the age of 60 to meet an identified need in the area and this has additionally influenced the design of the building and site layout. In order to ensure that the development operates as proposed, and that the accommodation remains available for qualifying persons in the future, it is necessary to impose a condition that restricts the occupation of the flats to persons aged 60 or over and qualifying members of their household.

Conclusion

113. For the above reasons, I therefore conclude that the appeal should be allowed, and planning permission granted.

John Dowsett

INSPECTOR

²¹ CD9.6 Appellant Hassocks Figure Pack to Accompany Design Statement Part 4, Figure 8.9 P.82

APPEARANCES

FOR THE APPELLANT:

Sasha White KC	Counsel for the Appellant
Ben Smith	Design Consultant - Churchill Living
Matthew Shellum	Planning Consultant - Planning Issues Ltd.

FOR THE LOCAL PLANNING AUTHORITY:

Jack Parker	Counsel for the Local Planning Authority
Gareth Giles	Planning Consultant - Whaleback Planning & Design
Susan Dubberley	Senior Planning Officer - Mid Sussex District Council

INTERESTED PARTIES:

Clair McGuinness	Local Resident
Ian Parrott	Local Resident
David Crosta	Local Resident

DOCUMENTS:

ID1	Appellant's Opening Statement
ID2	Council's Opening Statement
ID3	Council's Closing Statement
ID4	Appellant's Closing Statement

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing numbers:

20090HK_PL_001 revision P1	Site Location Plan
20090HK_PL_002 revision P3	Site Plan
20090HK_PL_003 revision P3	Ground Floor Plan
20090HK_PL_004 revision P3	First Floor Plan
20090HK_PL_005 revision P3	Second Floor Plan
20090HK_PL_006 revision P3	Roof Plan
20090HK_PL_007 revision P2	Elevation AA & Street Scene
20090HK_PL_008 revision P3	Elevation BB & CC
20090HK_PL_009 revision P3	Elevations DD
20090HK_PL_010 revision P3	Site Distances & Levels Plan
20090HK_PL_011 revision P2	Site Sections Sheet 1
20090HK_PL_012 revision P2	Site Sections Sheet 2
20090HK_PL_013 revision P2	Site Sections Sheet 3
20090HK_PL_014 revision P3	Site Sections Sheet 4
20090HK_PL_015 revision P3	Boundary Treatment Plan
23106-3	Tree Protection Plan
JBA 23 – 339 – SK02 revision D	Landscape Strategy
JBA 23 – 339 – SK03 revision D	Landscape Strategy

- 3) No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall provide the following details:
 - a) The anticipated number, frequency and types of vehicles used during construction, the method of access and routing of vehicles during construction,
 - b) The parking of vehicles by site operatives and visitors,
 - c) The loading and unloading of plant, materials, and waste,
 - d) The storage of plant and materials used in construction of the development,
 - e) The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),

f) Details of public engagement both prior to and during construction works.

Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period.

4) The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to, and approved in writing by, the local planning authority. The development shall not be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development, which shall include arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

5) No development shall commence until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include the following:

- a) Risk assessment of potentially damaging construction activities,
- b) Identification of "biodiversity protection zones",
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements),
- d) The location and timing of sensitive works to avoid harm to biodiversity features,
- e) The times during construction when specialist ecologists need to be present on site to oversee works,
- f) Responsible persons and lines of communication,
- g) The role and responsibilities on site of an ecological clerk of works or similarly competent person,
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

6) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation which has been submitted to, and approved in writing by, the local planning authority. The archaeological investigation work will comprise an archaeological trial-trenching evaluation of the proposed development site, focused on the footprint of the proposed building. Depending on the results of the evaluation, it may then be followed by excavation areas focused on any archaeological deposits identified, and/or monitoring of groundworks associated with the development. No development or preliminary groundworks of any kind shall take place until the completion of

the programme of archaeological investigation identified in the Written Scheme of Investigation defined above.

Thereafter the developer shall submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This shall include the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

- 7) No development shall commence until the tree protection measures shown on the Tree Protection Plan (Barrell Plan Ref: 23106-3) have been implemented in accordance with the associated guidance in the Barrell Tree Consultancy Manual for Managing Trees on Development Sites (2020). Thereafter the tree protection measures shall remain in place for the entire duration of the construction works.
- 8) During construction, the hours of work activities, including demolition, site clearance, construction, deliveries, loading and unloading, shall be restricted to the following times: 0800-1800 Monday to Friday 0900-1300 Saturdays. There shall be no work on Sundays and Bank Holidays and no burning of demolition and other waste on site.
- 9) No development shall be carried out above ground slab level unless and until there has been submitted to and approved in writing by the Local Planning Authority samples and details of materials and finishes to be used for external walls, windows, doors and roofs of the proposed building. The works shall be carried out in accordance with the approved details.
- 10) No part of the development shall be first occupied until such time as the vehicular access, turning area, and car parking area serving the development have been constructed in accordance with the details shown on the approved drawings. These spaces shall thereafter be retained at all times for their designated use.
- 11) No part of the development shall be first occupied until visibility splays of 2.4 metres by 43m metres have been provided at the proposed site vehicular access onto the B2116 Keymer Road in accordance with the approved planning drawings. Once provided, the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level.
- 12) No part of the development shall be first occupied until pedestrian visibility splays of 2 metres by 2 metres have been provided either side of the proposed site vehicular access onto the B2116 Keymer Road in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level.
- 13) No part of the development shall be first occupied until such time as the existing vehicular accesses onto B2116 Keymer Road have been physically closed with kerbs and the footway reinstated to full height.
- 14) No part of the development shall be first occupied until covered and secure cycle and mobility scooter parking spaces have been provided in accordance

with plans and details submitted to and approved by the Local Planning Authority.

- 15) No development shall be carried out above ground slab level unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development, details of new planting, the treatment of the boundaries and the defensible space around the ground floor bedrooms these works shall be carried out as approved.

Hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

- 16) All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (Tetra Tech, November 2023) and the Bat Roost Assessment and Bat Survey Report (Tetra Tech, November 2023). This will include the appointment of an appropriately competent person e.g. an ecological clerk of works to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

- 17) No development shall be carried out above ground slab level unless and until there has been submitted to, and approved in writing by, the Local Planning Authority a Biodiversity Enhancement Strategy for protected and Priority species prepared by a suitably qualified ecologist. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) Detailed designs or product descriptions to achieve stated objectives;
- c) Locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) Persons responsible for implementing the enhancement measures; and
- e) Details of initial aftercare and long -term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

- 18) The development hereby permitted shall not be occupied/brought into use until a lighting design scheme for biodiversity and to minimise the spread of light to adjoining residential properties has been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause

disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The scheme shall also demonstrate how light spread beyond the site boundaries with adjacent residential properties will be minimised. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

- 19) Each dwelling hereby permitted shall be occupied only by: (i) a person aged 60 years or over; (ii) a person aged 55 years or older living as part of a single household with the person in (i); or (iii) a person aged 55 years or older who was living as part of a single household with the person identified in (i) who has since died.